

Application Serial No. 10/580,353

OT-5416

### REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-5 were previously presented and were rejected in the Office Action. By way of this Amendment, Applicant has: (a) canceled claims 1-5, without prejudice or disclaimer; and (b) added new claims 6-11. Therefore, claims 6-11 are respectfully pending for further consideration.

#### 1. Rejection of Claims 1-5

The Examiner rejected claims 1-5 under 35 U.S.C. § 103(a) as allegedly being obvious when considering U.S. Patent No. 4,735,293 ("Everhart") in view of U.S. Patent No. 1,516,621 ("Rush"). Although this rejection is technically moot due to the cancellation herein of claims 1-5, without prejudice or disclaimer, this rejection will be addressed, and respectfully traversed, with respect to new claims 6-11.

New claim 6 (*i.e.*, the claim from which claims 7-11 depend) recites an elevator landing door system having a fire prevention device. This landing door system includes, among other possible things (*italic emphasis added*):

- two door panels that are configured to be opened and closed;
- one or more fasteners;

- a fire prevention plate that is fastened to one of the two door panels, wherein the plate extends, substantially vertically alongside an opening and closing edge surface of the door panel to which the plate is fastened, on a side facing an elevator shaft, wherein the plate includes at least one slot, and wherein the one or more fasteners extend through the slot(s) and fasten the plate to the door panel; and

- one or more fixtures tightly attached together with the door panel and the fire prevention plate by the one or more fasteners, wherein the fixtures are made of a fusible material such that, *when: (a) the elevator door to which the plate is fastened is operated under normal operating conditions, the plate will not move relative to the door to which it is fastened; and (b) the fixtures are heated, the fixtures are configured to enable the plate to move relative to the door panel to which it is fastened.*

As hereafter explained, the combination of Everhart and Rush can not be used to reject claim 6.

In the Office Action, the Examiner acknowledges that Everhart "is silent concerning fixtures made of a fusible material." *See* Office Action at p. 2. To cure this deficiency of Everhart, the Examiner turns to Rush. The Examiner's reliance on Rush is, however, misplaced. Specifically, the design taught in Everhart uses a combination of a spring 112, an

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actuator arm 106, and an actuator 108 to move a plate 80. When the door is opened, under normal operating conditions, the plate 80 is raised (under the force of the spring 112) relative to its door. And, when the door is closed, the plate 80 is lowered by the interaction of the actuator arm 106 and the actuator 108, which together overcome the force of the spring 112. As a result, under normal operating conditions, the plate 80 is configured to move relative to the door. In contrast, claim 6 recites that, under normal operating conditions, the fire retention plate "will not move relative to the door to which it is fastened." Merely replacing the spring 112 in Everhart with the fusible material taught by Rush does not replicate this functionality.

In light of at least the foregoing reasons, the combination of Everhart and Rush can not be used to reject claim 6, or any claim dependent thereon, under 35 U.S.C. § 103(a). Moreover, as claims 7-11 depend from claim 6, each of these dependent claims is also allowable over Everhart and Rush, without regard to the other patentable limitations recited therein.

## **2. Conclusion**

In light of the foregoing, claims 6-11 are in condition for allowance. If the Examiner believes that a telephone conference will be useful to move this case forward toward issue, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

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